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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO:1566 of 2006

DATED: 06-07-2006

Between:

1. The Commissioner of Social Welfare, Govt. of A.P., Hyderabad and 3 others

.....
PETITIONERS

AND

K.Subhushan

.....RESPONDENT

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ORDER: (per BPR, J)

Heard both sides, and at their request, the main writ petition itself is taken up for disposal.

The petitioners herein seek to assail the interim orders, passed pending the main application in O.A.No.5657 of 2005,

dated 26-09-2005 wherein the tribunal has granted suspension of the orders, suspending the respondent/applicant from service, pending the main application.

The main submission made by the learned Government Pleader for Services II is that the tribunal apparently sought to proceed on the ground that the authority who passed the order has no power, but whereas as per Rule 15 of the A.P. Civil Services (Classification, Control and Appeal) Rules, 1991, (for brevity 'the Rules') the higher authority can as well pass the orders of suspension, therefore, the very basis on which the interim suspension was ordered is totally unsustainable.

Learned counsel appearing for the respondent submits that having regard to Rule 34 of the Rules such an interpretation cannot be given, and therefore, the order is prima-facie on merits.

Having considered the submissions made on either side and especially, as this writ petition is against an interim order pending a substantial application before the tribunal, we refrain to go into the merits of the case at this juncture. As regards the question, as to whether as per Rule 15 of the Rules the higher authority can pass suspension orders, has to be gone into in detail and in depth by the tribunal, and further, having regard to the nature of allegations, we also opine that the respondent/applicant is not

entitled to such interim orders.

The writ petition is accordingly disposed of directing the A.P. Administrative Tribunal to dispose of O.A.No.5657 of 2005 as expeditiously as possible, within a period of one month from the date of receipt of a copy of this order, and it is needless to state that the interim orders granted by this Court in W.P.M.P.No.1865 of 2006 dated 28-01-2006 shall continue to remain in force till disposal of the O.A. No costs.

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06th July, 2006

SKM